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REMARKS/ARGUMENTS

Claims 1, 7, 9, 12, 21, 22 and 23 have been amended. Claims 5 and 15 have been cancelled. The limitation of claim 5 has been added to claims 1 and 21. The limitation of claim 15 has been added to claim 12. Claims 2 to 4, 6, 8, 10, 11, 13, 14, 16 to 20 and 24 are original.

35 U.S.C. § 112 Claim Rejections

The Examiner has rejected claims 1, 12, 21, 22, and 23 under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Examiner has rejected the claims based on the presence of the phrase "walkie-talkie-like", stating that the presence of the word "like" renders the phrase indefinite. In response, Applicant has replaced the phrase "walkie-talkie-like" with the phrase "half-duplex voice". Support for this amendment can be found in the Background of the Invention section where these phrases are equated. For example, see page 1, lines 13 to 23 where it is provided:

> "When referred to herein, walkie-talkie-like functionality and half-duplex voice functionality are to be taken generally to mean any network delivered voice communication functionality which at any one time is capable of transmitting voice communication from a talking or transmitting party's device to a listening or receiving party's device, but cannot simultaneously transmit voice communication from the receiving party's device to the talking party's device, while the talking party's device is transmitting voice to the receiving party's device". [emphasis added].

In view of the forgoing, Applicant respectfully requests that the Examiner withdraw the rejection which the Examiner based on 35 U.S.C. § 112.

35 U.S.C. § 102(e) Claim Rejections

The Examiner has rejected claims 1 to 3 and 5 to 24 under 35 U.S.C. § 102(e) as being anticipated by paragraphs [0004] and [0019] to [0022] of Noel et al. (hereinafter referred to as

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Noel). Applicant respectfully traverses the rejection.

Amended claim 1 recites:

> A method of messaging during an active half-duplex session between a plurality of user devices capable of half-duplex voice functionality, the method comprising:
>
> a first user device of said plurality of user devices while in a receiving in half-duplex (RHD) mode for an active half-duplex session, <u>transmitting a transmit channel request message (TCRM) to a network</u>;
>
> <u>the network forwarding the TCRM to a second user device</u> of said plurality of user devices while the second user device is in a transmitting in half-duplex (THD) mode for the active half-duplex session, <u>the TCRM including an identification of the first user device</u>; and
>
> <u>the second user device receiving the TCRM.</u> [emphasis added]

Thus in claim 1,

(i)   a first user device which is in RHD mode transmits a transmit channel request message to a network;

(ii)   the network forwards the transmit channel request message, including the identification of the first user device, to a second user device which is in THD mode; and

(iii)   the second user device receives the transmit channel request message.

The Examiner paraphrases from Noel in alleging that the limitations of claim 1, are met.

Regarding item (i) above, the Examiner alleges:

> "(as the call progresses, a participant may want to speak while another participant is currently speaking. The participant wanting to speak sends a requests (TCRM) to speak);"

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Applicants note that this request is sent to the server. "This request is received by the PTT server 140 (230)." See Noel, paragraph [0022].

Regarding items (ii) and (iii) above, the Examiner alleges:

> "the network (130) forwarding the TCRM (if the call participant initiating the request has a higher priority level than that of the current speaker, a message is sent to each mobile device) to a second user device (current speaker of mobile device) of said plurality of user devices (participants of mobile device) while the second user device is in a transmitting in half-duplex (THD) mode for the active half-duplex session (the current speaker ability to speak is terminated); and the second user device (current speaker of mobile device) receiving the TCRM (if the call participant initiating the request has a higher priority level than that of the current speaker, a message is sent to each mobile device). See paragraphs [0019]-[0022]."

Applicant respectfully disagrees with this paraphrasing. Noel recites:

> If the call participant initiating the request has a higher priority level than that of the current speaker, a message is sent by the PTT server 140 to each mobile device 110 or select mobile devices indicating a change in speaker is set to occur (247) [emphasis added]. See Noel, paragraph [0022].

In claim 1 the message sent to a second user device is the transmit channel request message including the identity of the first user device. In other words, the message is that the first user device sending the message is requesting use of the transmit channel. The second user device receives the message and the second user can then decide whether to release the transmit channel.

In contrast, in Noel, the request message is sent only to the server. The request message in Noel is not sent on to the second user device in the network. Instead, the server determines who will have the transmit channel based on the priority of the participant initiating the request. If the participant initiating the request has a higher priority, the server transfers the transmit channel to that participant. The current speaker has no control over whether the transmit channel will be transferred. The message sent is not a request. It is a notice of change of speaker. As stated in

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Noel:

> "Concurrent with the change of speaker message being sent, the current speaker loses the
> ability to transmit her speech and is placed in the queue in the order appropriate for her
> assigned priority level (280)". [emphasis added] See Noel, lines 24 to 28.

In summary, Noel does not teach a network forwarding a transmit channel request message to a
second user device. Instead, what is taught is a server receiving a request, processing the request
based on the priority level, and sending a change of speaker notification, not a request, to the
other devices of the network, if the priority level is sufficiently high.

Amended claim 12 recites:

> A user device capable of half-duplex voice functionality adapted to participate in
> an active half-duplex session, the user device comprising:
>
> means for receiving an external input requesting the user device to transmit an
> outgoing TCRM message;
>
> means for transmitting the outgoing TCRM to a wireless network responsive to
> the request;
>
> means for receiving an incoming TCRM message from the wireless network while
> the user device is in transmit half-duplex mode; and
>
> means for generating a user-detectable notification in response to receiving the
> incoming TCRM message wherein the received TCRM comprises an identification of
> another user device which originally sent the received TCRM and wherein the
> notification comprises the identification. [emphasis added]

As with claim 1, the devices of the network described in Noel, do not have a means for receiving
an incoming transmit channel request message from a wireless network identifying the requesting
user device. The message received by the devices of Noel is a message indicating a change in
speaker is set to occur, not a transmit channel request message.

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Amended claim 21 recites:

A network adapted to facilitate an active half-duplex session involving an RHD device capable of half-duplex voice functionality and a THD device capable of half-duplex voice functionality, the network comprising:

a message processing element adapted to forward a TCRM from the RHD device to the THD device by:

i) receiving the TCRM over an input channel from the RHD device;

ii) processing the TCRM to identify from the TCRM the identity of the THD device; and

iii) transmitting the TCRM over an output channel to the THD device, wherein the TCRM includes an identification of the RHD device. [emphasis added]

The network of Noel does not forward a transmit channel request message including an identification of the requesting device, to the devices. Instead, the server only sends a change of speaker notice.

Claim 24 recites:

A memory for storing data for access by a THD device of a network, comprising:

a data structure stored in said memory, said data structure being a TCRM and comprising an identification of an RHD device.

Nowhere does Noel teach a transmit channel request message identifying a participant wanting to speak for access by the current speaker. Instead, the only message for access by the current speaker is the change in speaker notice generated by the server if the participant wanting to speak has a higher priority level then the current speaker.

In view of the forgoing, Applicant submits that the subject-matter of claims 1, 12, 21 and 24 is not taught by Noel.

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The remainder of claims rejected by the Examiner as anticipated by Noel depend from claims 1, 12, 21 and 24 and are novel for at least the same reasons as claims 1, 12, 21 and 24.

In view of the forgoing, Applicant respectfully requests that the Examiner withdraw the rejection based on 35 U.S.C. 102(e).

35 U.S.C. § 103 Claim Rejections

The Examiner has rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Noel in view of Stubbs, U.S. Patent No. 6,930,994.

The Examiner points to Stubbs as teaching wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA. Claim 4 depends from claim 1. Even if Stubbs teaches what is alleged by the Examiner, Stubbs does not overcome the deficiencies of Noel outlined above concerning claim 1. According, the combination of Noel of Stubbs does not render claim 4 obvious.

In view of the foregoing, early favourable reconsideration of this application is earnestly solicited.

Respectfully submitted,

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